

AO 102 (01/09) Application for a Tracking Warrant

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

2020 JAN 16 PM 3:22

U.S. DIST. COURT
SOUTHERN DIST. OHIO
FED. DIV. COLUMBUSIn the Matter of the Tracking of
(Identify the person to be tracked or describe
the object or property to be used for tracking)Honda sedan with California license plate 7PKZ470,
VIN #19XFB2F83FE702617

Case No.

2:20-mj-40

APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of 21 U.S.C. § 846. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- ☒ The person, property, or object is located in this district.
- ☐ The person, property, or object is not now located in this district, but will be at the time of execution.

- ☐ The activity in this district relates to domestic or international terrorism.
- ☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- ☒ evidence of a crime;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ a person to be arrested or a person who is unlawfully restrained.

- ☒ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:

Avery Point Apartments, 4624 Adams Lane, Hilliard, Ohio

- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.




Applicant's signature

Ryan Marvich

Applicant's printed name and title

Sworn to before me and signed in my presence.

Date: 1-16-20


Judge's signature

City and state: Columbus, OHChelsey M. Vascara
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR _____

IN THE MATTER OF THE TRACKING OF
HONDA SEDAN WITH CALIFORNIA
LICENSE NUMBER 7PKZ470, VIN #
19XFB2F83FE702617

Case No. _____

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Ryan Marvich, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 3117 to authorize the installation and monitoring of a tracking device on a Honda sedan with California license plate 7PKZ470 and vehicle identification number 19XFB2F83FE702617 (“the SUBJECT VEHICLE”). Based on the facts set forth in this affidavit, I believe that the SUBJECT VEHICLE is presently being used in furtherance of 21 U.S.C. §§ 841 and 846, conspiracy to possess with intent to distribute 400 grams or more of a mixture or substance containing fentanyl and that there is probable cause to believe that the installation of a tracking device on the SUBJECT VEHICLE and use of the tracking device will lead to evidence, fruits, and instrumentalities of the aforementioned crimes as well as to the identification of individuals who are engaged in the commission of those and related crimes.
2. Your Affiant is a sworn Special Agent with the United States Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). Your Affiant has been a Special Agent within DHS since the

Department's creation in May 2003. Your Affiant has been assigned to the HSI Columbus office since February 2008, where your Affiant has been involved with narcotics investigations. Prior to becoming a Special Agent with HSI, your Affiant served as an Officer with the United States Secret Service, Uniformed Division beginning in January 1998. In June 1999, your Affiant accepted a position as a Special Agent with the United States Secret Service. In May 2003, your Affiant transferred employment to become a Special Agent with the United States Customs Service (USCS). In 2003, under the creation of the Department of Homeland Security, various components, including criminal investigators/special agents, with the USCS were merged with components, including criminal investigators/special agents, from the United States Immigration and Naturalization Service (INS) and formed U.S. Immigration and Customs Enforcement (ICE). Since then, criminal investigators/special agents and all related investigative functions of ICE have been moved into Homeland Security Investigations (HSI) within ICE.

3. Your Affiant has participated in and conducted numerous investigations of violations of various state and federal criminal laws, including the unlawful possession with intent to distribute controlled substances in violation of Title 21, United States Code. These investigations have resulted in arrests of individuals who have possessed with the intent to distribute marijuana, cocaine, heroin, methamphetamines and fentanyl as well as other controlled substances. These various investigations have also resulted in seizures of illegal drugs and proceeds from the distribution of those illegal drugs.
4. Your Affiant is familiar with the operation of illegal drug trafficking organizations in central Ohio.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. On February 12, 2019, investigators with Homeland Security Investigations (HSI) and the Franklin County Sheriff's Office (FCSO) encountered Ruben Rodriguez Jr. who was found to be in possession of two kilograms of cocaine. Investigators originally located Ruben Rodriguez Jr. on February 11, 2019 while they were conducting routine surveillance at a Red Roof Inn located at 4530 West Broad Street, Columbus. At that time, investigators observed a silver Ford Fusion bearing Texas license plate KZB9897 parked in the Red Roof Inn parking lot. Upon running this license plate in law enforcement databases, investigators learned that this vehicle was registered to a Michael Rene Ponce in Buda, Texas. Investigators also learned that Ponce was arrested in March 2008 in Austin, Texas as part of a large heroin conspiracy case involving over a dozen other co-conspirators. Ponce was subsequently convicted for violation of Title 21 USC Section 846 (conspiracy to possess with the intent to distribute heroin) and was sentenced to 57 months in federal prison. The law enforcement databases also showed no connections to Ponce and any individuals in Ohio.
7. Investigators began surveillance on the Ford Fusion on February 11, 2019. Investigators observed that the car was driven by a male, later identified as Ruben Rodriguez Jr., and a

female companion, later identified as Beslin Peraza, carried out various activities during the day. The two ate lunch at a Bob Evans Restaurant located at 4331 West Broad Street, Columbus, Ohio. They shopped at a Walmart near Hilliard Rome Road in Columbus.

They then went to see a movie at the AMC Starplex Columbus 10 located at 5275 Westpointe Plaza Drive, Columbus, Ohio. Given the background of Rodriguez, and the history of the car, investigators suspected that the two individuals were making attempts to “kill time” which can be indicative as to drug activity, specifically awaiting delivery of possible drug proceeds. While Rodriguez and Peraza were inside the Walmart, FCSO Deputy Rob McKee ran his canine “Gator” around the silver Ford Fusion while it was parked in the Walmart parking lot. Gator gave a positive alert to the presence of narcotics inside the silver Ford Fusion. Eventually, Rodriguez and Peraza checked into a different hotel, the La Quinta Inn and Suites located on 5510 Trabue Road, Columbus, Ohio.

8. On February 12, 2019, investigators re-established surveillance on Rodriguez and Peraza as they traveled to 121 Stevens Avenue, Columbus, Ohio. Upon arriving, Rodriguez was observed entering this residence where he remained for approximately ten minutes.

Following his departure from this residence, a deputy with FCSO conducted an investigative traffic stop on the vehicle Rodriguez was driving. During this traffic stop, a Franklin County canine gave a positive alert to the presence of narcotic inside the vehicle. During a subsequent search of the vehicle, approximately 2.0 kilograms of cocaine and \$30,006.00 in U.S. currency were discovered. In a subsequent post-Miranda interview, Rodriguez stated that he was in Columbus for the purpose of overseeing the arrival of cocaine and heroin that was being sent to individuals at 121 Stevens Avenue, Columbus, Ohio. He admitted that the cocaine in his car had been sent to these

individuals at 121 Stevens Avenue approximately 1-2 weeks ago, and he came to Columbus at that time to make sure these individuals received this cocaine. After they received this cocaine he went back to Texas. A short time later he learned that these individuals were not happy with the quality of the cocaine, so he was sent back up to Columbus. When he arrived this time in Columbus, around February 9, 2019, he was directed by his boss in Mexico to retrieve the cocaine that was already delivered and to oversee the arrival of approximately 2 kilograms of heroin that was arriving via UPS. According to Rodriguez, when he was inside the residence located at 121 Stevens Avenue, Columbus, Ohio, he stated that he saw the 2 kilograms of heroin that was sent. It was at this time the individuals at this residence paid him a partial payment of approximately \$30,000 for this heroin. This was the money seized by investigators during the traffic stop on his vehicle. Ruben Rodriguez Jr. was arrested on federal drug conspiracy charges, specifically conspiracy to distribute heroin, at that time. He has subsequently been convicted of this charge in the Southern District of Ohio.

9. On September 13, 2019, the Franklin County Sheriff's Office narcotics unit received an anonymous tip concerning suspected drug activity at 121 Stevens Avenue, Columbus, Ohio. In this tip, the caller stated that this residence receives heavy drug traffic all day and night. The individuals believed to be receiving the drugs enter the residence using the back door. Additionally, the caller stated that a U-Haul and a box van (later identified as a box truck, a blue 1994 GMC box truck with Ohio license plate PKU4756, registered to Rich Forever Investments LLC) are also used at the residence as part of the drug activity.
10. Through November 4, 2019 through November 7, 2019, investigators conducted surveillance on 121 Stevens Avenue, Columbus, Ohio. During this surveillance,

investigators observed constant activity at the residence. On every day of surveillance, investigators observed multiple individuals arriving at the residence and entering through the rear door and occasionally the front door. Once inside the residence, these individuals remained for short periods of time. Based upon the training and experience of investigators, investigators know this type of activity is consistent with individuals purchasing narcotics. Investigators also observed a box truck parked in the rear of the residence, matching the description of "box van" in the previous tip to FCSO. The front of this vehicle could easily be described as a van or a truck. This vehicle was actually a blue 1994 GMC box truck with Ohio license plate PKU4756, registered to Rich Forever Investments LLC. According to the Ohio Secretary of State, Rich Forever Investments LLC, is run by a Stephanie Bouphavong and Larry Williams Jr. Investigators did observe a lot of pedestrian activity around this box truck during the surveillance. Investigators also observed individuals near the back door of this residence that were standing still near the truck and looking around the area, acting consistent with what investigators believed to be lookouts.

11. On November 4, 2109, surveillance units observed a Honda Civic with California license plate 7PKZ470 arrive at 121 Stevens Avenue. This vehicle is registered to Stephanie S. Bouphavong, 1021 East Sarazen Ave, Fresno, California. A white female, matching the driver's license photograph of Stephanie Bouphavong, was observed exiting the Honda Civic and entering the front door of 121 Stevens Avenue. Further surveillance over the next few days observed Bouphavong at this residence on numerous instances.
12. Using various law enforcement databases, investigators found the most current address for Stephanie Bouphavong as 4594 Ava Point, Hilliard, Ohio. Additionally, law

enforcement databases show Bouphavong's Honda Civic with California license plate 7PKZ470 in the area of both 121 Stevens Avenue, Columbus, Ohio and 4594 Ava Point, Hilliard, Ohio on numerous occasions.

13. On November 5, 2019, investigators observed Stephanie Bouphavong as she arrived at her residence located at 4594 Ava Point Hilliard, Ohio.
14. On November 14, 2019, investigators executed a State of Ohio search warrant on the residence located at 121 Stevens Avenue, Columbus, Ohio. Upon executing this search warrant, investigators located numerous individuals inside the residence including Larry Williams Jr., who is the co-owner of Rich Forever Investments LLC with Stephanie Bouphavong. Found and seized from inside this residence were the following items (all weights are approximate): 180 grams of suspected powered cocaine, 33 grams of suspected crack cocaine, 15 grams of suspected heroin, 30 grams of suspected methamphetamine, 21 tablets of suspected suboxone, 10mg/325mg suspected Oxycodone tablets, 2mg suspected Alprazolam tablets and five firearms. These drugs were packed for individual sale and it was apparent to investigators that this residence was being used as a selling point for numerous kinds of narcotics. Many of the individuals located inside this residence were identified as narcotics users, while it was apparent to investigators that two individuals were in charge of selling the narcotics, including Larry Williams Jr. These two individuals appeared to be the ones living in the two bedrooms of the residence. Both bedrooms contained numerous narcotics packaged for individual sale and marked with bright multi-colored round stickers which showed the price and type of drug for sale. For example, investigators found a small clear baggie which contained clear crystal substance, believed to be methamphetamines. On this baggie there was a green

round sticker with “ice \$10” printed in ink on it. There were many other clear baggies with other types of suspected narcotics found throughout the residence and most of these had similar stickers and markings on them identifying the type of narcotics and price. The narcotics were stored in metal cash boxes. Some of these cash boxes were black metal with a gray tray. The tray is made to hold coins while the cash would be placed under the tray, however at this residence investigators found narcotics and narcotic residue in the tray made to hold coins.

15. Following the execution of this search warrant, investigators obtained information from a Confidential Source (CS#1) that had direct knowledge of the activities at 121 Stevens Avenue. According to CS#1, Stephanie Bouphavong would come to 121 Stevens Avenue every day to retrieve the money that had been collected that day from the sale of the narcotics. CS#1 stated that Stephanie Bouphavong would then take the money to her house for storage. CS#1 stated that approximately \$2,000-\$3,000 profit would be made every day at 121 Williams Ave which Stephanie Bouphavong would pick up. CS#1 also stated that Stephanie Bouphavong takes care of Larry William’s children.
16. On November 19, 2019, at approximately 8:20pm, HSI Special Agent Raterman observed Stephanie Bouphavong’s Honda Civic with California license plate 7PKZ470 and the box truck, a blue 1994 GMC box truck, believed to be the “box van” previously described in the tip to FCSO, with Ohio license plate PKU4756, registered to Rich Forever Investments LLC, both parked immediately in front of 4594 Ava Point, Hilliard, Ohio.
17. On November 21, 2019, at approximately 8:00am, investigators executed a State of Ohio search warrant at 4594 Ava Point, Hilliard, Ohio. Prior to executing this search warrant, investigators observed Stephanie Bouphavong’s Honda sedan with California license

plate 7PKZ470 parked immediately in front of 4594 Ava Point. Additionally, the blue box truck bearing Ohio license plate PKU4756, registered to Rich Forever Investments, also parked in front of the residence.

18. On November 21, 2019, at approximately 7:15am, investigators observed Stephanie Bouphavong exit 4594 Ava Point, Hilliard, Ohio and enter her Honda sedan with California license plate 7PKZ470. Investigators also observed a female, approximately 16 years old, exit the residence and enter the passenger side of Bouphavong's vehicle. Investigators conducted surveillance on this vehicle as it departed the residence and eventually dropped the passenger off at South High School, 1160 Ann Street, Columbus, Ohio. After dropping off the passenger, Bouphavong drove her vehicle back to 4594 Ava Point, Hilliard, Ohio. Upon arriving at her residence, investigators approached her vehicle, identified themselves as law enforcement and explained to Bouphavong that they had a warrant to search her residence. Bouphavong provided her keys to her residence to investigators at that time. When investigators explained that they would like to ask Bouphavong some questions, she explained that she wouldn't speak with investigators without an attorney being present.
19. During the execution of this search warrant, some of the items found by investigators were as follows: a kilo press, approximately 621 grams of suspected fentanyl, approximately 101 grams of suspected cocaine, small baggies containing unknown powders, bundles of U.S. currency totaling \$5,519.00, a Raven Arms MP25 .25 caliber pistol, a Ruger P94 9mm caliber pistol and a stolen pink Ruger LCP .380 caliber pistol. These narcotics, the currency and the firearms were all located in the master bedroom closet. Stephanie Bouphavong's U.S. Passport (full name: Stephanie Sounary

Bouphavong) was also found in this closet. The fentanyl and the cocaine were field tested using a Tru Narc portable chemical analyzer, which provides field-based identification of unknown chemicals to include narcotics. It utilizes Raman spectroscopy and provides a real time report of its findings. The Tru Narc gave a positive alert to the presence of the fentanyl and cocaine. Also found during the execution of this search warrant was a manual kilo press located on the floor of the master bedroom. Investigators know that kilo presses are often used by narcotics traffickers to package narcotics into tight bricks usually after “cutting” the narcotics with other “cutting” agents such as backing powder. This can, for example, make one kilogram of a narcotic mixture into two kilograms of a less concentrated mixture of the narcotic.

20. During a search of Stephanie Bouphavong’s Honda sedan with California license plate 7PKZ470, investigators found in the trunk two metal cash boxes that were some of the same type of cash boxes that were found to contain the narcotics at 121 Stevens Avenue on November 14, 2019. These cash boxes were black metal with a gray tray. The tray is made to hold coins while the cash would be placed under the tray. Additionally, investigators found the same type of round colorful stickers that were used on the baggies of narcotics at 121 Stevens Avenue, Columbus, Ohio as well as a digital scale and a security camera system.
21. On November 25, 2019, investigators provided a subpoena to the management of Avery Point apartment complex which is the management for 4594 Ava Point, Hilliard, Ohio. This subpoena requested all information related to the application and lease of 4594 Ava Point, Hilliard, Ohio. According to the paperwork provided by Avery Point management, Stephanie Sounary Bouphavong rented this unit on May 13, 2019 and the lease was for

13 months. Bouphavong was paying \$1,241.00 per month for this apartment.

Bouphavong provided her current employer for the application as AT&T, 1021 East Sarazen Avenue, Fresno, California. Stephanie Bouphavong was the only person on this lease.

22. On January 15, 2020, a federal arrest warrant was issued for Stephanie Sounary Bouphavong issued out of the Southern District of Ohio.

23. On January 16, 2020, investigators learned from management at the Avery Point apartment complex that Bouphavong abandonment her apartment located at 4594 Ava Point, Hilliard, Ohio sometime following the execution of the search warrant on her residence on November 24, 2020.

24. On January 16, 2020, investigators located Stephanie Sounary Bouphavong's Honda sedan with California license plate 7PKZ470 parked in a different section of the apartment complex where she had been residing. Investigators then spoke with management of the Avery Point apartment complex which is the management for Bouphavong's old apartment, 4594 Ava Point, Hilliard, Ohio, and where her vehicle was located. Management advised that Bouphavong hasn't been added to any lease in the apartment complex.

25. On January 16, 2020, investigators spoke with the current resident of 5205 Adams Lane, Hilliard, Ohio. This is the apartment unit that Bouphavong's Honda sedan was found to be parked in front of. The resident of this unit advised that he has seen Bouphavong's Honda sedan parked in that location for a few weeks now, however it does leave that spot every few days. The last time he noticed this vehicle depart the area was approximately three days prior.

26. Based on my own observations, I know that the SUBJECT VEHICLE is presently within the Southern District of Ohio.
27. In order to effectively track the movement of the SUBJECT VEHICLE for the purpose of further investigating the unlawful activities of Stephanie Bouphavong, including but not limited to trafficking in controlled substances and possession of firearms in relation to drug trafficking, as well as the unlawful activities of any other coconspirators who may use the SUBJECT VEHICLE, and to decrease the chance of detection, I seek authorization to place a tracking device on the SUBJECT VEHICLE while it is in the Southern District of Ohio. Because owner/driver(s) identified above sometimes parks the SUBJECT VEHICLE in driveways and on other private property, it may be necessary to enter onto private property and/or move the SUBJECT VEHICLE to effect the installation, repair, replacement, and removal of the tracking device. The SUBJECT VEHICLE is currently parked near an apartment located at 5205 Adams Lane, Hilliard, Ohio which is an apartment complex called Avery Point Apartments, 4624 Adams Lane, Hilliard, Ohio.
28. To ensure the safety of the executing officer(s) and to avoid premature disclosure of the investigation, it is requested that the court authorize installation, maintenance, and removal of the tracking device during both daytime and nighttime hours. Your affiant requests authority to install/maintain/remove the tracking device outside daytime hours, in order to reduce the likelihood of suspects observing investigators as they install/maintain/remove the tracking device.
29. In the event the Court grants this application, there will be periodic monitoring of the tracking device during both daytime and nighttime hours for a period not to exceed 45

days following issuance of the warrant. The tracking device may produce signals from inside private garages or other such locations not open to the public or visual surveillance.

AUTHORIZATION REQUEST

30. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 3117, that authorizes members of Homeland Security Investigations or their authorized representatives, including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to install a tracking device on the SUBJECT VEHICLE within The Southern District of Ohio within 10 days of the issuance of the proposed warrant, to maintain, repair, and/or replace the tracking device as necessary, and to remove the tracking device from the SUBJECT VEHICLE after the use of the tracking device has ended during both daytime and nighttime hours; and/or move the SUBJECT VEHICLE to effect the installation, repair, replacement, and removal of the tracking device]; and to monitor the tracking device for a period of 45 days following the issuance of the warrant, including when the tracking device is inside private garages and other locations not open to the public or visual surveillance, both within and outside the Southern District of Ohio.
31. In accordance with 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I further request that the warrant delay notification of the execution of the warrant for 30 days after the end of the authorized period of tracking (including any extensions thereof) because there is reasonable cause to believe that providing immediate

notification may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice would seriously jeopardize the ongoing investigation by prematurely revealing its existence and giving suspects an opportunity to flee from prosecution, destroy or tamper with evidence, intimidate potential witnesses, notify confederates, and change patterns of behavior.

Respectfully submitted,



Ryan Marvich
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on Jan 16, 2020



Chelsey M. Vascara
United States Magistrate Judge